

REMARKS

In the Office Action dated May 28, 2004, claims 6-7, 10 and 11 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,444,713 to Backaus, et al. ("Backaus"). Claims 8-9, 12-13, 14-15, and 16-18 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Backaus in view of U.S. Patent No. 6,452,925 to Sistanizadeh, et al. ("Sistanizadeh").

Applicants thank Examiner Mehra and his supervisory examiner, Dang Ton, for the courtesies extended during the telephonic interview of August 23, 2004. During the interview, Applicants' undersigned representative discussed the cited Backaus reference with Examiners Mehra and Ton. Applicants' undersigned representative noted and elaborated upon the deficiencies previously pointed out to the Patent Office regarding the Backaus reference. Examiner Ton stated further review would be necessary before revocation of the previous final rejection issued May 28, 2004, but recommended submission of this Request for Reconsideration detailing Applicants' position. Applicants' therefore respectfully submit this Request and ask the Patent Office to reconsider the previous final rejection based upon the arguments of record, those put forth during the interview, and the further argument contained herein.

Applicants assert that the Backaus reference is deficient as the basis of rejection thus far put forth by the Patent Office. Rather than rehash previous arguments, Applicants direct the Patent Office to the Request for Reconsideration filed March 22, 2004, which substantially rebuts the Examiner's rejection, along with all other remarks of record. Applicants further highlight that the claims at issue clearly recite that both a "signaling connection" and a "payload

connection associated with the signaling connection" be set up "between the service access system and the subscriber." Everything cited by the Patent Office as support for the rejection with respect to the Backaus reference occurs within information retrieval network 106, not "between the service access system and the subscriber" as required by each of independent claims 6, 10, and 11. Applicants further note that even if the portions cited by the Patent Office were connections between the service access system and the subscriber that Applicants still do not believe Backaus teaches the type of separate "signaling" and intermittent "payload" connections recited in claims 6 and 10 and "first" and intermittent "second" connections of claim 11.

In regard to the Response to Arguments of the Office Action of May 28, 2004, Applicants further point out that the responses do not adequately rebut the arguments made by Applicants. First, the referenced 23 ISDN B-channel and one ISDN D-channel line 105 is the connecting line between IXC switched network 104 and switch 108. The cited portion of Backaus that allegedly teaches an intermittent line refers to various connections between one or more of the VRU 110, switch 108, voice IP unit 118, and data IP unit 120. Backaus is silent as to how the various connections between elements 108, 110, 118, and 120 have any effect on how connections occur over line 105. In fact, as previously noted in the submission of March 22, 2004, regardless of what is occurring within network 106, the B-channel connection between VRU 110 and the subscriber is maintained. (*See* col. 5, lines 6-7). Accordingly, the reference to line 105 in the Response to Arguments is essentially irrelevant and, in fact, as noted above, Backaus actually teaches away from the "payload" connection of claims 6 and 10 and the

“second” connections of claim 11, both connections being intermittent and between the subscriber and the service access system.

Regarding the other citations (col. 1, line 66-col. 2, line 8; col. 1, lines 60-65; and col. 1, lines 57-61), as mentioned above, those passages all deal with various connections within network 106 and therefore are essentially irrelevant to the connection between the telephone station 100 and switch 108. In addition, during the interview, Examiner Mehra pointed to column 1, lines 55-61 as further evidence of support for the position put forth by the Patent Office. Applicants are not disputing that separate signaling and data channels are taught by Backaus, but Backaus does not teach the claimed *intermittent* “payload” or “second” connections. Again, as noted above, regardless of the teaching of a tearing down of the connection between VRU 110 and IP unit 118 within network 106 relied upon by the Patent Office, the B-channel connection to a subscriber is stated as being maintained.

Applicants further note that the rejection of claims 12 and 13 is wholly improper. The rejection is stated as a rejection under 35 USC § 103(a), but only the Backaus reference appears to be utilized in the rejection. Claims 12 and 13 depend from claim 11, which the Examiner rejected under 35 § 102(b) as anticipated by Backaus. No motivation is provided for altering Backaus to provide the claimed “first” and “second” connections as the D-channel and one of the B-channels of line 105 as put forth by the Patent Office. In fact, as noted above, not only is the intermittent “second connection” of claim 11 missing, but Backaus specifically teaches that the B-channel connection to the subscriber is maintained. The B-channel referred to by the Patent

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Office, therefore, clearly cannot be the intermittent "second...B-channel connection" of claim 13.

Accordingly, Applicants submit that independent claims 6, 10, and 11 are not anticipated by Backaus and are patentably distinct therefrom. Claims 7-9 and 12-18 also are submitted to be allowable, at least based upon their dependency from allowable claims.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance over the art of record. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.


SHAW PITTMAN LLP
1650 Tysons Boulevard
McLean, VA 22102
Tel: 703/770-7900

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Respectfully submitted,

DIRKMANN ET AL.

By:


Brett C. Martin
Registration No. 52,000

Customer No. 28970

BCM/dkp

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